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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,502	11/27/2001	Donald E. Mosing	FRK-086	1988

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EXAMINER

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/027,502	Applicant(s) MOSING, DONALD E.	
	Examiner DANIEL P. STODOLA	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 07 May 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

Continuation of 10. Other (including any explanation in support of the above items): First and foremost, with respect to box 10, the appeal brief is unsigned.

With respect to box 4, close inspection of the content of the Summary of the Claimed Subject Matter reveals that such has not been properly provided. The belief that appellant had finally properly corrected this section was incorrect and the delay in bringing this to appellant's attention is regretted. Nevertheless, the deficiencies to be noted are such that they cannot be ignored and must be corrected.

Under 37 CFR 41.37(c)(1)(v), the subject matter of each independent claim must be mapped to the specification by page and line number and to the figures by reference numeral. By "subject matter" this means that each element and each functional recitation is to be mapped. Subject matter not in a particular claim is not to be discussed when discussing that particular claim so that there is no confusion regarding what the claim actually sets forth.

With respect to claim 1, appellant fails to provide the page and line number when referring to the "front face 2" and the "back surface 3" (sic, back face) and "teeth". Further, the "textured relief" is not identified by reference numeral, page and line number. Further still, appellant makes reference to a function of "to prevent or lessen movement between the die insert 1 and the slip" yet no such function is found in claim 1. The discussion of claim 1 also states that the claim requires parallel faces when, in fact, the recitation is "generally parallel". Moreover, it is not known what the reference to "as originally filed in this application" is supposed to mean or what relevance it has to the claims on appeal.

With respect to claim 5, appellant fails to map "surface depressions" that form "indicia" as well as the functional recitation pertaining to coining of an impression (last 4 lines of the claim as it appears in the Claims Appendix). Claim 5 also includes the same deficiencies noted for claim 1 regarding the front and back faces.

With respect to claim 19 and in addition to what has been previously discussed, claim 19 fails to map the "substantially uniform textured relief" and the functional recitation regarding adding skid resistance. Claim 20 makes reference to the back surface being "textured" in the discussion instead of mapping the term "surface area". Claim 20 also fails to map "at least partially contacts a mating surface of a slip", "surface depressions" and the purpose of "transferring the loading from the die to the slip".

Finally and as an aside, the Claims Appendix is supposed to include only those claims under appeal; it is not supposed to be a complete claim set that identifies the status of each and every claim that was ever pending. Accordingly, the Claims Appendix should not include reference to cancelled claims.